"L" AND SUBWAY MAY REVERT TO AUGUST BELMONT

Judge Ray Rejects Demurrer in Attack on Inter-Met Merger.

MUST DEFEND ACTION. dead in the ruins of his office.

Holds Good Alliance Is Dissolved.

Judge Ray, of the United States Cir-Interborough-Metropolitan Com-Windsor Trust Company, New The ruins were pillaged, the bodies of erwind, John D. Crimmins, Andrew M. Lane and Cornelius Vanderbilt.

Aspinwall Hodge on behalf of the Con- back to their mountain retreats. tinental Securities Company, of New Jersey, alleged that the Interborough-Metropolitan merger is illegal and asked the court to restore the elevated and bubway to the Interborough Rapid Trancit Company.

May Dissolve Inter.-Met.

Mr. Hodge says that the effect of Judge Ray's overruling the demurrer carthquake, but reientists do not anof the defendants and sustaining the ticipate an eruption such as has devasnplaint would be to dissolve the Inte:-Met., and to throw the elevated and mont formed.

Judge Ray's opinion concluded: "If it be a defense, as to which I exbination, affecting the population of the city having some four million of people and other millions of people who visit the city for business or pleasure, taken under one management and control all its parallel and heretofore competing lines, with their feeders, is a benefit to the stockholders and the public, and that no injury has resulted or can result, that defense may be pleaded and the fact shown.

"The allegations of the bill are that injury has resulted and must result; that the rights of the public and of many stockholders have been invaded; that the statutes of the State have been and are being violated; that the combination described is illegal and

injurious. "Concede the premises and we have a proper case for the interposition of a court of equity. Whether the policy expressed in the statutes be wise or unwise is a question with which the courts have nothing to do. It is their Messina. duty to ascertain the law, and when, appealed to, to decide its application."

holder of 300 shares of stock in the old Interborough Rapid Transit Company; that 36 per cent. of the Unterborough stock was in 1506 collected by Mr. Helmont and a syndicate and pledged to the Windsor Trust Company, to secure an issue of collateral trust bonds by the Interborough-Metropolitan.

The old Interborough stockholders who went into the traction merger received 2,599 Inter. Met. stock and bonds for each \$100 old Interborough stock.

Messnra and the most prominent citizen of Catania, was killed with all the members of his family. The tidal wave of Riposto was 35 feet high and moved landward for 42 seconds before it began to recede.

Dead at Other Points.

Reports have been received from two other towns in Calabria, Cassano and profitable Subway.

The defence has thirty days to prepare its next move in the fight. C. H. Wenner & Co., of Boston, the well known litigant, is understood to be the interest named as the Continental Securities Company of New Jersey.

Forced to Answer Suit.

Mr. Hodge, in a statement to The Evening World, explained the force and effect of Judge Ray's decision as follows:

"The victory we have won to-day is a defense, and he gives them thirty days in which to do it. As our facts are practically all borrowed from their side, I cannot see how they can well disprove them.

"The victory we have won to-day is a complete reversal in the Federal Court of a previous decision from the Appellation, for the defense demurred, claiming, first, that our facts were not

If Continental Securities' Suit ished by the earthquake, the commander

vandalism that has been practised in the buit Court, to-day handed down a destrictions is indescribable. It would apsision overruling the demurrer inter- pear that the naturally lawless and reckosed by the defendants in the suit less, of whom there remain many in Cabrought by the Continental Securities labria and Sicily, escaped injury. In Company of New Jersey against the from hiding places in the mountains to Interborough Rapid Transit Company, the ruined cities and villages and found the Metropolitan Street Railway Com- to their unholy joy that there were few, pany, the Metropolitan Securities Com- if any, policemen or soldiers to restrain

York City Railway Company, Thomas the dead were robbed and houses that F. Ryan, August Belmont, Edward J. had escaped destruction, but were deserted by their owners, were ransacked. Freedman, Thomas P. Fowler, Gardiner Last night in Messina was one of horror, but the arrival of troops this morn-The suit, which was brought by J. ing sent many of the ghouls scurrying

Mount Etna In Eruption.

"To add to the horror of the situation in Sicily, Mt. Etna began to rumble and grean this morning and daylight showed thick smoke belching from the crater. The disturbance of the volcano is directly due to the

tated the island in times past. Fires starting in the ruins throughout subway back to the old Interborough the stricken district raged unchecked all voting syndicate which August Bel- of yesterday and last night. To-day they have either burned themselves out or have been extinguished.

Pestilence Feared.

The weather is warm and pestilence is feared because of the difficulty that will be experienced in removing bodies from under the massive stones that compose the ruins of the finest palaces, churches, theatres and public buildings of the ruined cities. This danger has been anticipated by the authorities, and sanitary precautions are being arranged

The disaster is so widespread and so omplete that even the most complete relief measures would prove inadequate. The whole province of Reggio de Calabria is in ruins, and progress over much of the district is possible only on foot. The tidal wave thirty-two feet high that followed the earthquake materially altered the configuration of the Straits of Messina between Sicily and the mainand, wheel out lights and guiding marks for mariners, changed harbors and made navigation a matter of guesswork. This adds to the difficulty of giving relief to the points where the disaster was most severe, along the banks of the Straits of Messina.

Warships to Aid.

appealed to, to decide its application."

"Conspiring Gentlemen."

The original complaint, which was exclusively published in The Evening
World, sets out that the plaintiff is the holder of 300 shares of stock in the old
Interborough Rapid Transit Company;

Lord & Taylor

Juvenile Shoes

Introducing A New Line of

Boys School and Dress Shoes

value \$3.00,

Girl's School and Dress Shoes

\$1.50 to \$2 50

Girls' Extra High Cut Shoes

\$2.00 to \$3.50

Broadway and 20th St.; 5th Ave.; 19th St.

special introduction price \$1.95

CATANIA, Dec. 29.-The following graphic story is told by a woman who was herself badly injured. She describes the horrors that accompanied the disaster at Messina in these words: "'Infernal' is the only word that will

adequately describe the fearful and terrifying scene," she said.
"When the first shock came most of ened by the rocking of the house. Windows swayed and rattled, and crockery and glass crashed to the floor. The next

make my way outdoors. The streets vere filled. "Everybody had rushed out in their ightclothes, heedless of the rain falling

out knew that the only thing to do was

arrived here from Messina to-day. She TIDAL WAVE THIRTY FEET HIGH SWEPT VICTIMS TO DEATN.

PALERMO, Dec. 29.-Railroad communication with Messina has been restored. A trainload of refugees came in here this morning, but they are all maddened with terror, and no one was capable of giving a connected account of the catastrophe. All agree that Mesnoment I was violently thrown out of sina has been destroyed and that the ny bed to the floor. I was half stunned,

The Trinacria Hotel, with ninety

dence.

The Russian warships that were at Syracuse also have left for Messina to aid in the work of rscue.

KING AND QUEEN HURRY OFF AID

to go alone to the scene of the disaster. She said she would not give up her privilege of sharing her husband's dansina has been destroyed and that the victims will be counted by the tens of esties left Rome this afternoon together

guests, was demolished. The city hall, day from Naples. The Queen explained Metropolitan Opera house last night The royal couple arrived earlier in the Prior to the performance at the the bourse, the telegraph offices and the to a member of her entourage that she barracks also were destroyed.

A tidal wave thirty feet high swept up appeals for help from the unfortunates planed beneath the ruins.

"Walls were tottering all around us, and not one of my party expected to escape alive. My brothers and sisters and children who had fled from their considered it her duty to do all in her power to comfort and help her afflicted subjects. Their Majesties left the rail-road station here 1.30.

Just before the train pulled out they embraced their four children, who are considered it her duty to do all in her his salary for that evening for the repower to comfort and help her afflicted life of the arthunke sufferers in Italy. subjects. Their Majesties left the rail-

100 TOURISTS DEAD IN MESSINA.

PALERMO, Dec. 29.-Refugees from Messina say that there were 100 for-eigners in the Hotel Trinacria and that they all lost their lives. The hotel has ROME, Dec. 29.—Queen Helena has re-fused to allow her husband, the King, to go alone to the scene of the disaster.

NIGHT'S SALARY.

SURVIVORS TELL EARTHQUAKE HORROR IN ITALY Roosevelt Sends Message of Sympathy to Italy's King

Continued from First Page)

(Continued from F was announced at the Pope will shment of an inof Roman Cathof The American National Red Cross to- vessel.

MOUNT ETNA IN ERUPTION ADDS TO EARTHQUAKE PANIC.

ivity and the detonations, which can sina to succor the victims.

FRENCH WARSHIPS SENT TO GIVE AID.

PARIS. Dec. 29 .- The Minister of CATANIA, I cily, Dec. 29 -- Mount Marine has ordered the French battle-Etna, the volcano a short distance from ships Justice and Verite and three tor-. is to-day showing considerable ac- pedo-boat destroyers to proceed to Mes-

be plainly heard in this city, together with the volume of smoke rolling out of the rolling out of the people.

According to the director of the local observatory this activity is directly connected with the earthquakes of yesterday which wrought such havoc in Calabria and Sicily out a great cruption is not expected. Such phenomena seldom accompany violent seismic disturbances.

OPPENHEIM, GLLINS & G.

The Greatest Clearance Sale.

Women's and Misses' Tailored Suits,

Gowns, Coats, Fur Coats and Millinery

Will Be Offered at a Great Reduction.

Caracul Cloth Coats—Reduced Prices



8 to 16 years.

\$18.00 Girls' Caracul Cloth Coats,

Girls' Caracul Cloth Coats, \$13.75 16.50

34th Street===West

Furs and Fur Coats—Reduced Prices

Coat Department-Reduced Prices

Misses' and Children's Coats-Reduced Prices

Remarkable Values

800 Girls' Winter Coats.

\$15.00 Girls' Winter Coats,

7.90

\$15.00 Girls' Chinchilla Coats.

7.90

9.75

Reduced from \$20 and \$25.

ANNUAL SALE

C. G. Gunther's Sons.

The finest furs in the World.

Long and medium Coats in Seal, Mink, Broadtail, Persian Lamb and French dyed Seal. Pony Skin and Caracul Coats, all the desirable lengths. At much less than usual prices.

Muffs and Neck Pieces in able, Mink, Lynx, Fox and other fashionable Furs.

184 Fifth Avenue.

New location will be 518 Fifth Avenue at 43d Street.

Broadway Saks & Company at 34th Street

ANNOUNCE FOR WEDNESDAY & THURSDAY, DEC. 30 & 31

An Extraordinary Sale of

3-Piece Broadcloth Costumes

For Women

At Exactly Half Price

Imported Broadcloth Costumes-complete with Value \$80, coat to match. The entire bodice of dress elaborately embroidered with braid. Yoke of gold cording. New Paquin model coat, hipless effect. In black, navy, smoke, rose, catawba, white, pink, gray, light blue or mode. All sizes.

Coats for Girls, Misses & Small Women

Coats for Misses Of imported karakul cloth, Persian or broadtail designs; satin lined throughout; in a large variety of attractive models. Values 29.00 & 35.00, at

Street & Tourist Coats for Misses Of broadcloth, cheviot or fancy mixtures, in the newest models and colorings; satin lined throughout. (Sizes 14, 16 and 18 years.)

> Value 25.00

14.50

(Sizes 14, 16 and 18 years.)

47.50 35.00

29.50

29.50 24.50 Full Length Coats for Girls

In a large assortment of the newest models. (Sizes 6 to 14 years.) 25.00 Value 10.00 15.00 15.00 19.75 5.90 9.75

Karakul Fur Coats for Women

Of plain cheviot, fancy mixtures, broadcloth, karakul or velveteen.

Garments of carefully selected and beautifully matched skins, especially made up for this sale; the newestand most highly favored models; high lustred pelts, lined with brocaded satin, in a variety of colors.

Karakul Coats, 36 inches long, value 85.00 at 63.00 Coats, 45 inches long, value 100.00 at 82.00 34 to 44 bust. Coats, 50 inches long, value 125.00 at 98.00

Untrimmed Felt & Beaver hats for Women

Untrimmed Felt Hats (Black and colors)

Formerly 2.95 to 6.75, at

1.95 & 2.95

Untrimmed Beaver Hats (Black and colors) Formerly 9.75, at

5.00

\$5 & \$6 Evening & Dress Slippers for Women, \$3.85

Of patent leather; bronze leather; castor in gray or black; glace kid in white, pink or blue; patent leather or beaded kid slippers in 3-strap or ribbon tie models, also sailor ties. All sizes.

The key to Fortune's vaults is commonly known as a World "Real Estate" "ad." Acquire one to-day.